

**FEE REPORT FORM**  
**Hourly Rate Professional Fee Used For Full Cost Recovery**

Environmental Protection / Radiation Protection  
 Agency

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 Date

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	<u>2006</u>	<u>2007 est.</u>	<u>2008</u>	<u>2009</u>
<b>FEE COLLECTIONS:</b>				
Current	\$ 62,407	\$ 62,407		
Proposed			\$ 137,295	\$ 137,295

**FEE TITLE AND RATE:**

Current	25 PA Code 218 Appendix A footnote* - Full cost recovery licenses – the Professional Component (Hourly Rate) is \$50 per hour.
	25 PA Code 218.11(d)(iii) Accelerators above 50 MeV – full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is \$50 per hour).
Proposed	25 PA Code 218 Appendix A footnote* - Full cost recovery licenses – the Professional Component (Hourly Rate) is \$150 per hour.
	25 PA Code 218.11(d)(iii) Accelerators above 50 MeV – full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is \$150 per hour).

**FEE OBJECTIVE:** To recover the Department's actual costs in oversight of decommissioning projects and high-energy accelerators.

**FEE RELATED ACTIVITIES AND COSTS**

1. Technical review of decommissioning funding plans required in certain license applications.
2. Technical review of license termination plans and data submittals.
3. Onsite inspections of license termination and decommissioning activities.
4. Independent surveying, data and sample collection to verify compliance with decommissioning standards.
5. Specialized staff training in sampling procedures and environmental modeling software.
6. Review, approval and inspection of high-energy accelerators above 50 million electron volts (MeV).
7. Central Office / Regional Office Supervisory and management oversight.

**ANALYSIS:** The cleanup of sites contaminated with radioactive material is very complicated and Department costs cannot be accurately predicted. Similarly, the complexity and rate of evolution in the use of particle accelerators in medicine, especially cancer treatment, has been increasing rapidly in recent years. Customized and very high-energy research and therapy accelerators may be coming into the mainstream. In radiation therapy, operation is becoming computer driven and problems with the interrelation of human, hardware and software failure is more complex to regulate. Unlike X-ray machines which in general are standardized in design, installation, and operation, due to the potential for serious harm to patients, accelerators require more regulatory attention during the design and pre-operational and early post-operational stages, require more attention to shielding design, performance testing and safeguards, with the need for more frequent inspection. Regulatory oversight requires maintaining up-to-date knowledge of the technology, specialized training and equipment; thus, the need for an hourly rate for cost recovery with high-energy accelerator and decommissioning projects.

Based on a comprehensive workload analysis of the Radiation Control Program, including the additional responsibilities associated with achieving and maintaining Agreement State Status, the Department is proposing an increase to allow for full cost recovery of the hourly Professional Fee rate for positions associated with performing greater than 50 MeV accelerator license review, inspections and decommissioning activities. The Department's proposal is based on an hourly rate necessary to cover program costs, including increases in actual salaries, with fractional supervisor and administrative support time, benefits and operational expenses (including information technology, training, lab services, equipment costs, and source disposal costs), all of which have increased about 30% since 2001. Consideration has also been given to the current union contract, which will result in an additional increase in personnel costs of 20% over the next four years.

As background, formerly the Professional Fee rate (\$50/hour) was based solely on the recovery of straight radiological health physicist (RHP) personnel salaries, on a part-time basis, and did not include extraneous costs associated with program management. The proposed fee (\$150/hour) is based on the expansion of the Decommissioning Program, as a condition for Agreement State status, and will cover full-time RHP personnel costs, including program management and administrative staff. It should be noted that the program's hourly rate calculation was validated by the Bureau of Fiscal Management using standard federal grant methods. In comparison, the proposed rate of \$150/hour is over one-third less than the 2007 NRC hourly rate of \$256 for these decommissioning activities; therefore, even with this hourly rate increase, Commonwealth licensees will realize a reduction in regulatory oversight costs as a result of the Commonwealth achieving Agreement State Status.

**RECOMMENDATION AND COMMENT:** Approve the proposed regulations. The Radiation Protection Advisory Committee (RPAC), which includes representatives from medical, industrial and research facilities that have decommissioning sites and use accelerators, were included in the review of the proposed fees, and they recommended moving the proposed fees forward. The source of revenue for this program is a user license fee. The fee has not been adjusted to compensate for changes in program costs since November 2001.